IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.409 OF 2005
IN
SUIT NO.853 OF 2003

Mohamed Farooq s/o Abdul Aziz & ors. Plaintiffs

versus

Samsher Ahmed Siddiqui s/o
Abdul Khalik & others Defendants

and

Sairabegum Shamsher Ahmed
Siddiqui & others Respondent

P.G.Lad for plaintiffs.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 13th June 2006

PC :

1. Shri Lad appearing for plaintiff in support states that the Chamber Summons has been duly served on the parties including proposed defendants. He undertakes to file an affidavit proving service within one week from today. In these circumstances, the order dismissing the Chamber Summons against the unserved defendants stands recalled.

2. This is a Chamber Summons for bringing the heirs and LRs of the deceased first defendant on record. For the reasons set out in affidavit in support, the delay in taking out the Chamber Summons is condoned. Chamber Summons is made absolute in terms of prayer clauses (a) and (b). Amendment to be carried out within a period of two weeks from today. Amended copy of plaint to be served four weeks thereafter. Shri Lad states that in the light of the fact that there was a delay in complying with the conditional order, the plaintiffs will pay costs quantified at Rs.1,000/- to Kirtikar Library.

(S.C.DHARMADHIKARI, J.)